

AMENDMENT UNDER 37 C.F.R. §1.111
USSN: 09/931,065

REMARKS

Claims 1-9, all the claims pending in the application, stand rejected. Claims 8 and 9 have been canceled, leaving claims 1-7 pending in the application.

Abstract

The Abstract of the Disclosure is objected to because it contains numerals that are not enclosed by parentheses. Applicants have amended the Abstract in order to add the necessary parentheses and to clarify the description.

Claim Rejections - 35 U.S.C. § 102

Claim 1-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sitrick (6,084,168). This rejection is traversed for at least the following reasons.

In framing the rejection, the Examiner asserts that Sitrick teaches a game machine/method/storage medium that comprises a timing acquisition means for acquiring game operation timing at which each of a first and second player operates a game. The Examiner further asserts that Sitrick teaches timing and guidance means for presenting a game operation timing at a predetermined guidance level. Finally, the Examiner asserts that there is a game operation evaluation means for verifying game operation timing and guidance level changing means. Reference is made to the Abstract, Figs. 1A and 1B, and the disclosure at col. 3, lines 30-41 and col. 4, lines 35-67. The Examiner's basis for rejection is erroneous for several reasons.

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On the most fundamental basis, the present invention is expressly stated to be related to a “game machine” for providing at least one player with a game. The game is operated, using a controller, according to game music.

The environment of the disclosed invention is clearly that of a game. In one exemplary embodiment, whose features are defined in claims 1-4, the game may involve a competition between first and second players. In another embodiment, the game may involve a single player.

Applicants respectfully submit that this is different from the musical composition communication system and architecture of Sitrick, where a musical workstation is used to compose music and to distribute music for performance by one or more individuals, as is clear from the Summary of the Invention at col. 2, line 41 - col. 3, line 9. The output is a single or a combined performance. This does not involve a “game” and, as to claims 1-4, does not involve a competition between two performers. While the system in Sitrick has as a further object a comparison of a performer’s performance parameters obtained by a microphone and/or a camera to store and display music, this is not in the nature of a game and certainly not a competition involving a plurality of players. The disclosure is in the nature of a teaching or conducting tool, and not a game.

Claims 1-4

Using claim 1 as an example, this claim requires a game operation evaluation means having several key functions that are not applicable to Sitrick.

First, there is a function of verifying the game operation timing acquired by a timing acquisition means with the game operation timing presented by the timing guidance means. The

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timing acquisition means involves acquiring the timing of the performance of first and second players operating a game. In Sitrick, there is no disclosure that the timing may be acquired for plural players.

Second, the timing guidance means presents timing to each of the first player and the second player. According to the claim, this game operation's timing is verified for both the first and second players. Nothing in Sitrick teaches such verification for plural players.

Third, the game operation evaluation means has the function of evaluating game operation by each of the first player and the second player. Again, nothing in Sitrick teaches the evaluation of plural players.

Finally, the timing guidance means presents the game operation timing at a predetermined guidance level. This is a variable level that will depend upon the competence of the players of the game. The use of such predetermined guidance level ties into the final limitation of the claim, namely, a guidance level changing means. This structure changes the predetermined guidance level with respect to at least one of the two players. This change is based on the result of an evaluation made by the game operation evaluation means.

In practical effect, the game may become easier or more difficult based upon such evaluation. Nothing of this sort is taught in Sitrick. Sitrick does teach a comparison function, specifically, a comparison made between a performance and stored parameters. However, nothing in Sitrick teaches that such parameters may be varied in accordance with the quality of the performance that has been judged. For example:

- At col. 11, lines 49-56 of Sitrick, a comparison of the performance to a score is made for the purpose of detecting the performance compliance to parameters such as temple, rhythm, filter parameter, pitch, tonality and other features that can be modified by performers. In other words, these modifications are made by the performers but not by the game elements themselves. Thus, they would not involve the claimed “means.”
- At col. 12, lines 47-50, Sitrick states that for automated modes, training feedback can be provided in real-time or subsequent to performance at either or both of the performers workstation and a second (e.g., teachers) workstation. In this case, however, there is no disclosure in Sitrick that the predetermined guidance level would be changed.
- At the margin of col. 12, at lines 12-22, the Examiner appears to have made a comment related to the conductor mode as providing training guidance. However, here the conductor (i.e., a person) provides the guidance to the performers. There is no structure or “means”, i.e., a processor based and application driven change in the predetermined guidance level based on the result of an evaluation made by the game operation evaluation means. A human being is not the game operation evaluation means.
- At col. 14, beginning at line 64, Sitrick contemplates a master-slave relationship where a plurality of workstations may be coupled together with a master workstation, though disposed remotely and operating under controllable local

microprocessor system. However, nothing in this architecture or its description suggests the guidance level changing means, as claimed.

- At col. 19, line 11, a user's performance can be compared to a score and feedback can be provided to the performer as to the quality of their performance. In the performance monitor mode, for a single user or multiple users, a user (i.e., teacher or conductor) can indicate the rate at which that person feels the performer should be performing. Again, this is a human-based control rather than a machine-based control, as claimed.

In short, based upon a review of the overall teachings of Sitrick, the basic features of the invention as set forth in the apparatus claims 1 and 2, and method claims 3 and 4, particularly involving two players and a guidance level changing means, are not taught or suggested.

The Examiner is also requested to utilize the USPTO Guidelines for interpreting "means plus function" limitations in performing his analysis. In properly applying the stated procedure, it would be clear that not only are the claimed functions missing from Sitrick, neither an identical corresponding structure nor its equivalent can be found in the reference.

Claims 5-8

With regard to claim 5 as an example of this group of claims, the claim is also directed to a game machine, but is not limited to plural players. The claim includes a timing guidance means for displaying two types of operation timing instruction images, a first image and a plurality of second images, which gradually approach the first image on a display screen. The purpose is to display a state in which game operation timing is arriving. Nothing in Sitrick

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teaches this technique. The Examiner has not pointed to any structure that would provide the display as claimed, particularly second images gradually approaching first images.

Further, the claim requires a guidance level changing means for changing the speed at which the second images approach the first image, to thereby change a predetermined guidance level. As already noted with regard to claim 1, nothing in Sitrick would meet this limitation. At best, Sitrick would involve the display of musical notes on a screen in conventional form. Nothing suggests showing second images approaching first images and certainly nothing relating to such display and a change of a predetermined guidance level./

Similar observations may be made with respect to the method and storage medium of claims 7 and 8.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

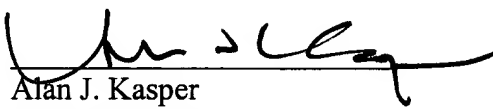
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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 8 and 9 are canceled.

IN THE ABSTRACT OF DISCLOSURE:

The abstract is changed as follows:

[To] A music-oriented game machine with a feature to increase a feeling of competitiveness between players [of a music-oriented game.] Based on an evaluation of a performance of the first and second players based on their steps, the number of times step timing is presented as guidance is varied. Specifically, while reference arrows [46, 48] (46, 48) are displayed, a plurality of timing guidance arrows [50, 62] (50, 62) approaching the reference arrows [46, 48] (46, 48) are also displayed on a game screen image [40] (40). As a result, guidance as to [,whereby a state] where step timing is arriving is shown to the player. Then, a speed at which the reference arrows [46, 48] (46, 48) approach the timing guidance arrows [50, 62] (50, 62), respectively, is changed from a default speed to speeds of half, twice, and three-times the default speed based on the result of evaluation on the respective player's stepping performances, to thereby change the guidance level.